

1 TODD KIM  
Acting Assistant Attorney General  
2 Environment and Natural Resources Division  
United States Department of Justice  
3

ARWYN CARROLL (MA Bar 675926)  
4 LEILANI DOKTOR (HI Bar 11201)  
Natural Resources Section  
5 P.O. Box 7611  
Washington, D.C. 20044-7611  
6 Phone: (202) 305-0465  
Fax: (202) 305-0506  
7 arwyn.carroll@usdoj.gov  
leilani.doktor@usdoj.gov  
8

9 *Attorneys for Federal Defendants*

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 BARTELL RANCH, LLC, et al.,  
Plaintiffs,  
13 v.  
14 ESTER M. MCCULLOUGH, et al.,  
Defendants.  
15  
16  
17

Case No. 3:21-cv-80-MMD-CLB

**DECLARATION OF  
KENTON M. LODA**

1 I, Kenton M. Loda, pursuant to 28 U.S.C. § 1746, declare as follows:

2 1. I am the Lead Geologist for the Humboldt River Field Office, Bureau of Land  
3 Management (BLM), United States Department of the Interior. The Humboldt River Field  
4 Office is located in the BLM's Winnemucca District Office in Winnemucca, Nevada. I have  
5 held this position since June 29, 2014. As the Lead Geologist, I served as the Project  
6 Manager for the review of Lithium Nevada's mining and exploration plans of operations for  
7 the Thacker Pass Lithium Mine Project (Project) that is the subject of the challenge in the  
8 above-captioned litigation. This review, pursuant to BLM's surface management  
9 regulations, 42 C.F.R. subpart 3809, required preparation of an Environmental Impact  
10 Statement and consultations with federally recognized tribes under the National  
11 Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA).  
12 The Project area encompasses approximately 18,000 acres of public lands in the Thacker  
13 Pass area of Humboldt County, Nevada.

14 2. In my role as Project Manager, I oversaw the compilation of the BLM's  
15 administrative record for the action challenged in the above-captioned matter. My oversight  
16 role consisted of quality assurance and quality control over the records searches that  
17 contributed to the administrative record, as well as the record indexing that followed.

18 3. Following the court's December 27, 2021 order (ECF No. 155) regarding the  
19 administrative record lodged with the court on November 23, 2021, I oversaw the addition  
20 to the administrative record of (i) all deliberative documents previously excluded, (ii) all  
21 comments between BLM and Bartell Ranch LLC and Edward Bartell previously excluded,  
22 and (iii) letters from the Nevada Division of Environmental Protection, Bureau of Mining  
23 Regulation and Reclamation and Nevada Department of Wildlife letters described at  
24 ECF No. 155 at 11-14 .

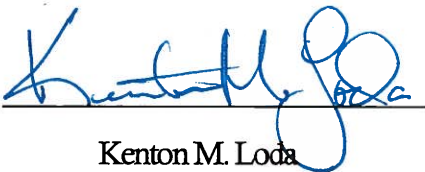
25 4. Attached to this declaration are the updated indices for the administrative  
26 record. The first index, labeled Environmental Claims Administrative Record, covers  
27 documents numbered TPEIS-0001 to TPEIS-1498, and includes all documents previously  
28

1 labeled TPEIS-0001 to TPEIS-0879 (the portion of the record previously lodged) as well as  
2 all documents added to the record following the court's December 27, 2021 order. The  
3 second index, labeled NHPA Claims Administrative Record, covers documents numbered  
4 TPNHPA-0001 to TPNHPA-0257, and includes all documents previously labeled  
5 TPNHPA-0001 to TPNHPA-0187 (the portion of the record previously lodged) as well as  
6 documents added to the record following the court's December 27, 2021 order. All  
7 documents listed in the indices are hyperlinked and contained on a flash drive labeled  
8 "Thacker Pass AR 2022-02-10"

9       5.       Based on my knowledge and information, I hereby certify, all records  
10 identified in the attached indices and provided to the Court and parties, constitute a true and  
11 correct copy of the relevant records as retained in the BLM's files and include all materials  
12 directly or indirectly considered for the BLM decisions at issue in this case. The  
13 administrative record does not include privileged materials or information. Those records  
14 are described on the privilege log submitted herewith.

15       6.       Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the  
16 foregoing is true and correct.

17  
18 Executed on this 11<sup>th</sup> day of February 2022 in Winnemucca, Nevada.

19  
20   
21 Kenton M. Loda